

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CAREPARTNERS, LLC, et al,

Plaintiffs,

vs.

PAT LASHWAY, et al,

Defendants.

NO. C05-1104RSL

ORDER GRANTING DEFENDANTS'
MOTION FOR RECONSIDERATION

This matter comes before the Court on defendants' "Motion for Reconsideration/Clarification" (Dkt. #117). Though the Court already issued its order on summary judgment, defendants ask the Court to clarify its ruling on a motion to strike contained in defendants' reply memorandum on summary judgment. Defendants' Reply at pp. 8-9 (Dkt. #113). The first statement defendants seek to strike is contained on page 23, lines 14-17 of Joseph Kilkelly's declaration:

It was generally known, that although legislation was being sought, that the legislature had rejected such efforts and in its stead had put into place a grant program where qualified boarding homes could receive some funding towards the retrofitting of facilities with sprinkler systems.

Declaration of Joseph P. Kilkelly (Dkt. #54). The other statement is contained on page 49, lines 1-9 of the same declaration:

Attached hereto as Exhibit No. 30 is a matrix of three similarly situated boarding homes and the treatment provided to them compared to Alderwood. In addition, attached hereto, as Exhibit No. 31, are my notes

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1 with respect to my discussions with regard to the actions of Department of
2 Social and Health Services and the Washington State Fire Marshal's Office
3 outlining the treatment provided to these other providers. The findings and
4 conditions are materially the same as Alderwood; but in each case each
5 facility was allowed to continue to operate, the findings were not treated as
6 an emergency, the residents were allowed to stay in their homes, and the
7 owners were allowed adequate time to install sprinkler systems (taking up
8 to six months to install in some cases).

9 Id. Neither the statements or the exhibits referenced by defendants in their motion to strike are
10 based on personal knowledge and as such these statements and exhibits were not considered by
11 the Court in its January 26, 2007 Order (Dkt. #116).¹ To the extent that defendants' motion for
12 reconsideration seeks to clarify the Court's January 26, 2007 Order, both its motion to strike this
13 material and its motion for reconsideration are GRANTED.

14 DATED this 24th day of May, 2007.

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16 Robert S. Lasnik
17 United States District Judge
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25 ¹ The Court notes that plaintiffs did provide other documentation regarding the State's treatment
26 of other boarding home facilities aside from the statements and exhibits that are the focus of defendants'
27 motion to strike. See, e.g., Declaration of Paul A. Lindenmuth (Dkt. #64), Exs. 43, 47, 51-58.